

Case 1:19-cv-00159-MAC-CLS Document 47 Filed 01/11/23 Page 1 of 2 PageID #: 173

EASTERN DISTRICT OF TEXAS

CHESTER FINNEY, SR.,

Plaintiff,

versus

BRIAN COLLER, *et al.*,

Defendants.

CIVIL ACTION NO. 1:19-CV-159

**MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION**

Plaintiff Chester Finney, Sr., proceeding *pro se*, filed the above-styled civil rights lawsuit against several defendants, including the Richard P. LeBlanc Unit and the University of Texas Medical Branch (“UTMB”). The court previously referred this matter to the Honorable Christine L. Stetson, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to 28 U.S.C. § 636 and orders of this court.

The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. Construing the claim against the LeBlanc Unit as a claim against the Texas Department of Criminal Justice (“TDCJ”), the magistrate judge recommends that the claims against UTMB and TDCJ be dismissed for lack of subject-matter jurisdiction.

The court has received the Report and Recommendation, along with the record, pleadings, and all available evidence. Plaintiff filed what are considered to be objections to the magistrate judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. After careful consideration, the court is of the opinion the objections are without merit. The authorities cited by the magistrate judge establish conclusively that as agencies of the State of Texas, UTMB and TDCJ are immune from suit.

ORDER

Accordingly, the objections filed by plaintiff (#37) are **OVERRULED**. The findings of fact and conclusions of law set forth in the report of the magistrate judge (#35) are correct, and the report of the magistrate judge is **ADOPTED**. The claims against UTMB and TDCJ are **DISMISSED** for lack of subject-matter jurisdiction.

SIGNED at Beaumont, Texas, this 11th day of January, 2023.

A handwritten signature in black ink, reading "Marcia A. Crone". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE